

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ERIC GRIFFIN, JOHN FINCH,
DERRICK ROBINSON, PAMELA
C. FARNSWORTH,

Plaintiffs,

vs.

DEPT. OF DEFENCE, DONALD
RUMSFIELD, Secretary of Defence,
T.T.C. and CIA,

Defendant,

2:07-cv-1266-RLH-RJJ

REPORT & RECOMMENDATION
OF UNITED STATES
MAGISTRATE JUDGE

The Court having reviewed this matter makes the following findings:

1. Plaintiff, John Finch has not paid the filing fee.
2. Plaintiff, John Finch has not file an Application for Leave to Proceed *In Forma Pauperis*
3. Plaintiff, John Finch failed to attend the hearing held on November 1, 2007, as required by the Minute Order in Chambers (#4).
4. Plaintiff, Derrick Robinson, has not paid the filing fee.
5. Plaintiff, Derrick Robinson, has not filed an Application for Leave to Proceed *In Forma Pauperis*.
6. Plaintiff, Derrick Robinson failed to attend the hearing held on November 1, 2007, as required by the Minute Order in Chambers (#4).
7. Pro se plaintiffs cannot be represented by another non-attorney pro se party.

Good cause appearing therefore,

1 IT IS THE RECOMMENDATION of the undersigned Magistrate Judge that Plaintiff,
2 John Finch and Plaintiff, Derrick Robinson be **DISMISSED WITH PREJUDICE** from this
3 action.

4 **NOTICE**

5 Pursuant to Local Rule IB 3-2 [former LR 510-2] any objection to this Report and
6 Recommendation must be in writing and filed with the Clerk of the Court on or before January
7 25, 2007. The Supreme Court has held that the courts of appeal may determine that an appeal
8 has been waived due to the failure to file objections within the specified time. Thomas v. Arn,
9 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986). This Circuit has also held that (1)
10 failure to file objections within the specified time and (2) failure to properly address and brief the
11 objectionable issues waives the right to appeal the District Court's order and/or appeal factual
12 issues from the order of the District Court. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991); Britt
13 v. Simi Valley United Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983).

14 DATED this 9th day of January, 2008.

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17 ROBERT J. JOHNSTON
18 United States Magistrate Judge
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